

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPLICANT: Stephane H. Maes

EXAMINER: Prieto, Breatriz

SERIAL NO.: 09/545,078

GROUP ART UNIT: 2142

FILED: April 7, 2000

FOR: SEP 27 2006



A CONVERSATIONAL PORTAL FOR PROVIDING
CONVERSATIONAL BROWSING AND MULTIMEDIA
BROADCAST ON DEMAND

Mail Stop: Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Enclosed please find APPELLANTS' APPEAL BRIEF.

The amount of \$500.00 is hereby authorized to be charged Deposit Account No. 50-0510/IBM (Yorktown Heights). Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17, at any time during the pendency of this application, or credit any overpayment of such fee(s), to Deposit Account No. 50-0510/IBM (Yorktown Heights).

Respectfully submitted,

Frank V. DeRosa
Reg. No. 43,584
Attorney for Applicant(s)

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, NY 11797
Tel: (516) 692-8888
Fax: (516) 692-8889

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence and accompanying documents are being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Appeal Brief Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 19, 2006.

Dated: September 19, 2006

Frank V. DeRosa



AF
ZFW

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: S. Maes

Examiner: B. Prieto

Serial No: 09/545,078

Group: Art Unit 2142

Filed: April 7, 2000

Docket: Y0999-273 (8728-298)

For: A CONVERSATIONAL PORTAL FOR PROVIDING CONVERSATIONAL
BROWSING AND MULTIMEDIA BROADCAST ON DEMAND

APPEAL BRIEF

Appeal from Group 2142

F. Chau & Associates, LLC

130 Woodbury Road

Woodbury, New York 11797

TEL: (516) 692-8888

FAX: (516) 692-8889

Attorneys for Appellant

09/27/2006 16:58:01 00000077 500510 09545078

01 EC:1402 500 00 DA

<u>TABLE OF CONTENTS</u>	<u>Page(s)</u>
I. REAL PARTY IN INTEREST.....	1
II. RELATED APPEALS AND INTERFERENCES.....	1
III. STATUS OF CLAIMS.....	1
IV. STATUS OF AMENDMENTS.....	2
V. SUMMARY OF CLAIMED SUBJECT MATTER	2
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	6
VII. ARGUMENTS	6
A. <u>The Claims are Not Obvious in View of Saylor, Cohen and Cobbley</u>	6
B. <u>Claims 1, 23 and 34 are Clear and Definite</u>	14
C. <u>CONCLUSION</u>	16
APPENDIX A (Pending Claims)	17
<u>Evidence Appendix</u>	24
<u>Related Proceedings Appendix</u>	25

This Appeal is from a Final Office Action mailed on December 9, 2005 (hereinafter, referred to as the “Final Action”). This Appeal was commenced by a Notice of Appeal and Pre-Appeal Brief Request for Review filed on April 13, 2006, and Appellants hereby submit this Appeal Brief in furtherance of the Appeal.

I. REAL PARTY IN INTEREST

The real party in interest for the above-identified application is International Business Machines Corporation, the assignee of the entire right, title and interest in and to the subject application by virtue of an assignment of recorded in the U.S. Patent and Trademark Office.

II. RELATED APPEALS AND INTERFERENCES

There are no Appeals or Interferences known to Applicant, Applicant’s representatives or the Assignee, which would directly affect or be indirectly affected by or have a bearing on the Board’s decision in the pending Appeal.

III. STATUS OF CLAIMS

Claims 1, 3-15, 17-19, 21-23, 25-34 and 36-37 are pending in the application and stand rejected. The claims are set forth in the attached Appendix. Claims 1, 23 and 34 are independent claims. Claims 3-15, 17-19, and 21-22 depend directly or indirectly from base claim 1. Claims 25-33 depend directly or indirectly from base claim 23. Claims 36-37 depend directly or indirectly from base claim 34.

IV. STATUS OF AMENDMENTS

No After Final Amendments have been filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In general, the claimed inventions are directed to systems and methods for to a conversational portal employing a conversational browser to provide services such as conversational browsing and multimedia access on demand. For purposes of illustration, the claimed inventions will be described with reference to certain Figures and corresponding text of Appellants' Specification (hereinafter, "Spec."), for example, but nothing herein shall be deemed as a limitation on the scope of the invention.

Claim 1 recites:

A conversational portal system, comprising:

a computing system comprising a conversational browser to provide a user interface that adapts an interaction dialog between the conversational portal system and a client according to one more modalities supported by the client, and wherein the conversational browser can retrieve one or more pages from an information source in response to a request from the client and serve or present the retrieved pages to the client in at least one format that is compatible with the one or more modalities supported by the client, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities,

an audio indexing system for segmenting and indexing audio and multimedia data obtained from an information source; and

a multimedia database for storing the indexed audio and multimedia data,

wherein the conversational portal maintains, for a registered subscriber, a program comprising user-selected multimedia segments in the multimedia database to provide a multimedia broadcast on demand service to the registered subscriber.

An exemplary embodiment of the invention of claim 1 is illustrated by FIGs. 1, 2 and 4, for example, and corresponding text of Appellants Spec. In particular, FIGs. 1 and 2 illustrate a conversational portal system (11) that includes a computing system comprising a conversational browser (22) to provide a user interface that adapts an interaction dialog between the conversational portal system (11) and a client (12, 13, 14, 15 or 16) according to one more modalities supported by the client. Exemplary embodiments of conversational (multi-modal) browsers are depicted in FIG. 4 and described on page 20, lines 12 ~ page 22, lines 12 of Spec., for example.

The conversational browser (22) can retrieve one or more pages from an information source (18, 19) in response to a request from the client and serve or present the retrieved pages to the client in at least one format that is compatible with the one or more modalities supported by the client (See, e.g., Spec., p. 7, line 17 ~ p. 8, line 6; p. 13, lines 17-21, P. 19, lines 13-22), wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities (see, e.g., Spec. page 15, line 2 ~ p. 19, line 7; p. 24, line 13 ~ p. 28, line 18).

Moreover, as specifically depicted in FIG. 2, the conversation portal (11) comprises an audio indexing system (30) for segmenting and indexing audio and multimedia data obtained from an information source (18, 19) and a multimedia database (26, 31) for storing the indexed audio and multimedia data (See, e.g., p. 41, line 21 ~ p. 42, line 5). The conversational portal (11) maintains, for a registered subscriber, a program comprising user-selected multimedia segments in the multimedia database to provide a multimedia broadcast on demand service to the registered subscriber (see, e.g., page 44, line 9 ~ p. 47, line 12; p. 24, line 13 ~ p. 28, line 18).

Claim 3 recites:

The conversational portal of claim 1, wherein the multi-modal format is a modality-independent format (see, e.g., Spec. page 15, line 2~ p. 19, line 7; p. 24, line 13~ p. 28, line 18).

Claim 23 recites:

A system for accessing information, comprising (element 10, Figs. 1 and 2):

an access device (elements 12~15, FIGs. 1 and 2);

a content server (elements 18, 19, FIGs. 1 and 2); and

a conversational portal system comprising (element 11, FIGs. 1 and 2):

a conversational browser (22) (see, e.g., FIG. 4, page 20, lines 12 ~ page 22, lines 12 of Spec.) that provides a conversational user interface to access the conversational portal system, wherein the conversational browser adapts an interaction dialog with the access device according to one or more modalities supported by the access device, and wherein the conversational browser can retrieve one or more pages from the content server in response to a request communicated from the access device and serve or present the retrieved pages to the access device in at least one format that is compatible with the one or more modalities supported by the access device (See, e.g., Spec., p. 7, line 17 ~ p. 8, line 6; p. 13, lines 17-21, P. 19, lines 13-22), wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities; (see, e.g., Spec. page 15, line 2~ p. 19, line 7; p. 24, line 13~ p. 28, line 18).

an audio indexing system for segmenting and indexing audio and multimedia data obtained from an information source; and data (See, e.g., p. 41, line 21 ~ p. 42, line 5).

a multimedia database for storing the indexed audio and multimedia data,

wherein the conversational portal (11) maintains, for a registered subscriber, a program comprising user-selected multimedia segments in the multimedia database(26, 31) to provide a multimedia broadcast on demand service to the registered subscriber. (see, e.g., page 44, line 9 ~ p. 47, line 12; p. 24, line 13~ p. 28, line 18).

Claim 25 recites:

The system of claim 23, wherein the multi-modal format is a modality-independent format. (see, e.g., Spec. page 15, line 2~ p. 19, line 7; p. 24, line 13~ p. 28, line 18).

Claim 34 recites:

A method for providing access to information over a communications network, comprising the steps of:

establishing communication with a conversational portal using an access device having at least one modality associated therewith: (see, e.g., Spec., page 13, line 22 ~ p. 14, line 16)

the conversational portal adapting an interaction dialog with the access device based on the at least one modality of the access device, wherein adapting the interaction dialog includes adapting the interaction dialog to an audio modality and a non-audio modality; device (See, e.g., Spec., p. 7, line 17 ~ p. 8, line 6; p. 13, lines 17-21, P. 19, lines 13-22),

retrieving, by the conversational portal, a content page in response to a user request;
presenting or serving, by the conversational portal, the content page to the user in at least one format that is compatible with the at least one modality of the access device, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities; and (See, e.g., Spec., p. 7, line 17 ~ p. 8, line 6; p. 13, lines 17-21, p. 19, lines 13-22), wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities; (see, e.g., Spec. page 15, line 2~ p. 19, line 7; p. 24, line 13~ p. 28, line 18).

maintaining, by the conversational portal, a program for a registered subscriber, to provide a multimedia broadcast on demand service to the registered subscriber. (see, e.g., Spec. page 15, line 2~ p. 19, line 7; page 44, line 9 ~ p. 47, line 12; p. 24, line 13~ p. 28, line 18).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1, 3-15, 17-19, 21-23, 25-34 and 36-37 stand rejected as being unpatentable over U.S. Patent No. 6,501,832 to Saylor et al. in view of U.S. Patent No. 6,859,776 to Cohen and further in view of U.S. Patent No. 5,614,940 to Cobbley, et al.

B. Claims 1, 23 and 34 stand rejected under 35 U.S.C. § 112, second paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.

VII. ARGUMENTS

A. The Claims are Not Obvious in View of Saylor, Cohen and Cobbley

"In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness." *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993) (citing *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)). It is well established that a *prima facie* showing of obviousness requires, in general, a two part analysis – starting with a claim interpretation analysis to determine the scope and substance of the subject matter being claimed, followed by an obvious analysis to determine whether the claimed subject matter (as interpreted) is obvious in view of the prior art.

More specifically, when evaluating claims, the Examiner must interpret the claims with the broadest *reasonable* interpretation that is consistent with the specification and the Examiner cannot interpret the claim language in a vacuum, but rather the claims should be interpreted in view of the specification as it would be interpreted by one of ordinary skill in the . *See, In re Sneed*, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983); *In re Bond*, 910 F.2d 831, 833, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990); *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). Once the claims have been properly constructed, the Examiner has the burden of establishing a *prima facie* case of obviousness. 'A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976)).

It is respectfully submitted that the obviousness rejections of claims 1, 3-15, 17-19, 21-23, 25-34 and 36-37 are legally deficient and that at the very minimum, claims 1, 23 and 34 are patentable and non-obvious over the combination of Saylor, Cohen and Cobbley. Indeed, as will be explained below, the obviousness rejections are seemingly based on an improper obviousness analysis in which the Examiner fails to properly interpret the claimed subject matter, but merely reconstructs the claimed inventions by picking and choosing among different teachings of the references in an effort to meet the claim language with no due consideration given to the scope and meaning of the claim language nor proper context to the teachings of the cited references.

(1) Claims 1 and 23 are Patentable and Non Obvious over Saylor and Cohen and Cobbley

In formulating the rejection of claims 1 and 23, the Examiner essentially applies the same rationale to support the rejection (see, pages 3-5 and 7 of the Final Action). Therefore, Appellants will address the claims rejections of claims 1 and 23 together.

Applicant contends that the combination of Saylor and Cohen and Cobbley does not disclose or suggest, for example, a *conversational portal system comprising:*

a computing system comprising a conversational browser to provide a user interface that adapts an interaction dialog between the conversational portal system and a client according to one more modalities supported by the client, and wherein the conversational browser can retrieve one or more pages from an information source in response to a request from the client and serve or present the retrieved pages to the client in at least one format that is compatible with the one or more modalities supported by the client, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities,

as recited in claims 1 and 23.

In formulating the obviousness rejection for claim 1, the Examiner relies on the teachings of Cohen and Saylor as teaching the above cited subject matter. In particular, as set forth on Page 3 of the Final Action, the Examiner relies primarily on Saylor (Col 4, lines 43~ Col. 5, line 20; and Col 8, lines 14-63) as teaching essentially all of the above-cited subject matter of claim 1, except for an “information page that can be rendered in two modalities”, which Examiner contends is disclosed by Cohen. However, Applicant contends that the obviousness rejections are based on the Examiner’s misplaced reliance and misinterpretation of the teachings of Cohen and Saylor as applied to claim 1.

On a fundamental level, neither Cohen nor Saylor disclose a conversational portal system implementing a “conversational (multi-modal) browser” having the claimed functionality.

In fact, a proper reading of the Cohen nor Saylor shows that both references primarily focus on and teach systems that are built around a speech/audio interaction modality using *voice browsers* to process voice-based pages.

For instance, the Examiner contends that Saylor teaches in Col. 4, lines 43- Col 5, line 20, a *conversational browser* which provides a conversational user interface to enable access to a portal (12) (Figs. 1 and 2. For instance, on page 3 of the Final Action, the Examiner contends that Saylor teaches a (“*conversational*”) *browser, which provides a (conversational)* user interface to enable access to a (“*conversational*”) portal (12), but the Examiner fails to explain or otherwise identify what component of the “conversational portal (12)” in FIGs. 1 or 2 of Saylor is a *conversational browser*, as contemplated by the claimed invention.

Saylor discloses in FIGs. 1 and 2 that element 12 is a VNAP (voice network access provider) (12) having a Vpage execution module (34) and voice output generator (38). The Vpage execution module (34) is provided to execute the content of a Vpages (which contains voice content structured as a Voice XML or TML based content file) to present the content in a speech modality. In particular, Saylor discloses that Vpages are structured voice pages of voice contents that a user may create to induce audio, dialogs, menus, links, which content may be stored in XML-based voice files (e.g., TML or VoiceXML) that references sound and text files (see, e.g., Col. 4, lines 45-55).

The Examiner seemingly relies on Saylor’s teaching that text files of Vpages can be processed using text-to-speech processing to display voice content on a user’s phone (Col. 5, lines 15-20; Col. 8, lines 30-34), as the basis for Saylor teaching the claimed “conversational browser” that can adapt an interaction dialog. However, the Examiner essentially acknowledges

that Saylor does not teach a *conversational browser* that can present or serve a *multi-modal page* having a *multi-modal format that can be rendered in two or more synchronized modalities*.

Appellants' specification teaches that a "conversational browser" is a browser that is capable of processing multi-modal documents to provide synchronization between different views (GUI, speech, etc.) supported by the multi-modal browser, where using specific predefined rules, the content of a multi-modal document can be automatically transcoded to the modality or modalities supported by the particular client browser or access device. For instance, a multi-modal document can be converted to an appropriate declarative language such as HTML, XHTML, or XML (for automated business-to-business exchanges), WML for wireless portals and VoiceXML for speech applications and IVR systems (see, e.g., pages 16~17 of Spec.). FIG. 4 of Spec. illustrates an exemplary embodiment of a "conversational browser" comprising a speech browser and a visual browser with a browser shell that coordinates the synchronization between modalities (see, e.g., page 20~22; pages 26-28 of Spec.).

In this regard, it is fundamentally clear that Saylor does not teach or suggest a "conversational browser" as contemplated by the claimed inventions. Indeed, as noted above, Saylor discloses a voice-based system using a voice browser platform to process Vpages which are XML-based voice content files (Col. 8, lines 14-17). In addition, FIG. 7 of Saylor illustrates a specific embodiment of a voice server (43) and speech-based call center system supported by a voice browser (35). The fact that some audio can be converted to text (via speech to text syntheses) does not support Examiner's finding of Saylor teaching a *conversational browser or multimodal* documents, as contemplated by the claimed inventions. Indeed, a voice browser does not provide functionalities of a conversational (multi-modal) browser.

In any event, the Examiner acknowledges that Saylor does not teach a *conversational browser* that can present or serve a *multi-modal page having a multi-modal format that can be rendered in two or more synchronized modalities*, but relies on Cohen (Col. 10, lines 39-55) to cure the deficiencies of Saylor. Cohen teaches in FIGs. 1A and 1B a browser (10) that generates spoken interaction with a caller (see, Col. 5, lines 60-65). The voice browser is executed on a central server to provide users access to speech-enabled sites using voice-activated voice links (see, Abstract). A browser controller (102) may operate as a gateway to bi-directionally couple audio voice information between a user via a PSTN (104) on one hand and a Web page via the Internet on the other hand (Col. 9, lines 12-20). **Cohen teaches that hypertext links to content pages can be presented via audio or by display (Col. 10, lines 44-55).**

Although Cohen generally discloses that hyperlinks can be displayed graphically and as voice links (Col. 44-46), the Examiner has not explained or even addressed how the voice browser (10) is a computing platform that can process a content page in a *multi-modal format that can be rendered in two or more synchronized modalities*. In fact, Cohen specifically teaches that the voice-browser platform (10) of Cohen in FIG. 1B has a user interface based on speech markup language content, etc. (Col. 5, lines 60-66). Moreover, there is a stark difference in functionality of providing hypertext links in speech or audio to fetch content pages as taught by Cohen, and multi-modal documents that can be rendered by a conversational browser in two or more synchronized modalities. In short, the Examiner has not explained with legal sufficiency how Cohen suggest a “conversational browser” capable of processing a multi-modal pages that can be rendered in two or more synchronized modalities.

For at least the above reasons, neither Saylor nor Cohen, singularly or in combination, teach or suggest a conversational portal having a conversational browser as claimed. Cobbely does not cure the deficiencies of Saylor and Cohen in this regard, and was merely cited by the Examiner with regard to the audio indexing features. For purposes of this Appeal, Appellants simply contend that the reliance on Cobbely is legally deficient in that it amounts to nothing more than a selective combination of teachings from multiple references to construct the claimed inventions with improper motivation based in hindsight reconstruction.

(2) Claims 3 and 25 are Patentable and Non Obvious over Saylor and Cohen and Cobbely

In formulating the rejection of claims 3 and 25, the Examiner relies solely on Saylor as teaching (Col. 14, lines 46-60; and Col. 23, lines 34-47) a multi-modal format is *a modality-independent format*. The Examiner's characterization of Saylor in this regard is wholly erroneous and is clearly based on the result of an improper claim interpretation (or utter lack of interpretation) as to what it meant by "modality independent format" within the meaning of the claims..

For example, as explained on pages 15-17, multi-modal content can be implemented in a modality-independent, single authoring format, which characterizes the dialog interaction with the user and provide abstract representation of the dialog independently of the characteristics and UI offered by the device or application rendering the presentation material. A multi-modal document authored in a modality independent format can be processed by a conversational (multi-modal) browser to provide tight synchronization between the different views supported by the multi-modal browser, where the modality-independent format can be automatically

transcoded to the modality or modalities supported by the particular client browser or access device.

Appellant distinguishes a multi-modal document having a modality independent format from a multi-modal document that is implemented by embedding in a single document, markup elements from each of a plurality of represented/supported modalities (e.g., VoiceXML and HTML tags), and using synchronizing tags to synchronize the different ML content (i.e., to synchronize an action of a given command in one modality with corresponding actions in the other supported modalities) on an element-by-element basis (See, e.g., page 17, lines 15 ~ p. 18, line 2).

In view of the above, the Examiner's reliance on Saylor (Col. 14, lines 46-60) is misplaced. Saylor simply discloses that voice-based content can be formatted according to TML, voiceXML, WML, but clearly these formats are not modality-independent formats, but rather are modality-specific formats.

Moreover, Examiner's reliance on Saylor Col 23, lines 34-47 is also misplaced. Saylor merely discloses a Vpage generation process which the user can specify how content is presented via audio or text format. Again, this is not a modality-independent format. Indeed, if the user creates a Vpage to present text content, then such content cannot be presented to an audio-only device. In accordance with the claimed inventions, a multi-modal page that is authored in a modality-independent format can be rendered in one or more modalities (synchronized) supported by the access device. In this regard, the teachings by Saylor in Col. 23, lines 34-47 actually teach away from the concept of authoring a multi-modal page in a *modality-independent format* (again, Saylor teaches specifying a specific modality, speech or text).

Furthermore, the Examiner's reliance on Saylor Col. 4, line 43 ~ Col. 5, line 20 as disclosing a modality-independent format is equally misplaced for similar reasons discussed above - TML and VoiceXML formats are modality-specific formats.

(3) Claims 34 is Patentable and Non Obvious over Saylor and Cohen and Cobbely

In formulating the rejection of claim 34, the Examiner relies on the rejection of claims 1 and 23 to support the rejection of claim 34. In this regard, Appellant contends that claim 34 is patentable over the combination of references for similar reasons given above for claims 1 and 23. For instance, it is submitted that the combination of Saylor, Cohen and Cobbely does not disclose or suggest *presenting or serving, by the conversational portal, the content page to the user in at least one format that is compatible with the at least one modality of the access device, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities.*

B. Claims 1, 23 and 34 are Clear and Definite

The Examiner contends that claims 1, 23 and 34 are indefinite for reasons set forth on page 2 of the Final Action.

The Examiner's confusion as to the claim term "an audio indexing system for segmenting and indexing audio and multimedia data obtained from an information source" appears to be unreasonable in view of the clear claim language and support in applicant's specification. The claim essentially recites that the indexing system can (i) segment and index audio data (e.g., streaming audio) and (ii) segment and index and multimedia data (e.g.,

streaming multimedia). It should be clear that audio data contains only audio data and that multimedia data can contain various types of mixed data including audio, video, etc. Support for this claim language is found, for example, on page 41, line 14 through page 43, line 21, of Spec. which provides clear support for the allegedly ambiguous claim language.

Moreover, the claimed language of “*a multimedia database for storing the indexed audio and multimedia data*” is clear on its face, and should not require clarification. Indeed, in other terms, this claim language unambiguously means that indexed audio data and indexed multimedia data is stored in a multimedia database.

Furthermore, with regard to the claim language “*wherein the conversational portal maintains, for a registered subscriber, a program comprising user-selected multimedia segments in the multimedia database to provide a multimedia broadcast on demand service to the registered subscriber,*” Appellants contends that this claim language is perfectly clear and clearly supported on pages 43-54 of Applicant’s specification. By way of example, page 46, line 8 through page 47, line 12 specifically reads:

In this manner, a user can connect with the conversational portal and issue a query to directly search the database 31 and retrieve one or more pre-indexed multimedia segments having desired content (in lieu of or in addition to a search over the network). The user can compose a broadcast program wherein the user may specify the order in which the different segments are played back/broadcasted and, for example, listen to the program on a cell phone or other connected device.

Furthermore, by periodically downloading and indexing multi-media documents and/or streaming data, the conversational portal 11 can provide a service of composing a personalized “listening and watching” program for a subscribing user based on user preferences (e.g., pre-selected topics or type of broadcast/documents/list of interest). The user may also compose a menu of what the user will listen to. Upon connecting to the conversational portal 11, the user can access the personalized program and playback desired content in any prespecified order. By way of example, a subscribing user may generate a personalized radio on demand program which the user can access over a wireless

phone connected to the conversational portal 11. In addition, it is to be appreciated that during subsequent searches, the subscribing user may add to his/her personalized program any additional multi-media segments that are presented to the user in a search result list. At anytime during the program, the user can use the portal conversational browser commands to interrupt, pause or modify the program.

Overall, when read alone, and further in view of the above explanation, the claim language of claims 1 and 23, for example, which recites:

an audio indexing system for segmenting and indexing audio and multimedia data obtained from an information source; and

a multimedia database for storing the indexed audio and multimedia data,

wherein the conversational portal maintains, for a registered subscriber, a program comprising user-selected multimedia segments in the multimedia database to provide a multimedia broadcast on demand service to the registered subscriber,

is seemingly clear and definite on its face.

C. Conclusion

Accordingly, for at least the above reasons, it is respectfully requested that the Board reverse all claim rejections under 35 U.S.C. §§ 103 and 112.

Respectfully submitted



Frank V. DeRosa
Reg. No. 43,584

F. Chau & Associates, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889

Claims Appendix

1. A conversational portal system, comprising:
 - a computing system comprising a conversational browser to provide a user interface that adapts an interaction dialog between the conversational portal system and a client according to one more modalities supported by the client, and wherein the conversational browser can retrieve one or more pages from an information source in response to a request from the client and serve or present the retrieved pages to the client in at least one format that is compatible with the one or more modalities supported by the client, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities,
 - an audio indexing system for segmenting and indexing audio and multimedia data obtained from an information source; and
 - a multimedia database for storing the indexed audio and multimedia data,
 - wherein the conversational portal maintains, for a registered subscriber, a program comprising user-selected multimedia segments in the multimedia database to provide a multimedia broadcast on demand service to the registered subscriber.
2. (Canceled)
3. The conversational portal of claim 1, wherein the multi-modal format is a modality-independent format.
4. The conversational portal of claim 1, wherein the computing system further comprises a transcoder, operatively associated with the conversational browser, for converting a page having a multi-modal format into at least one modality-specific format.
5. The conversational portal of claim 1, wherein the conversational portal detects a modality of the client.

6. The conversational portal of claim 5, wherein the conversational portal detects the modality of the client based on one of registration protocols and identification of an access channel.

7. The conversational portal of claim 1, wherein the computing system further comprises a portal directory database, accessible by the conversational browser, for storing one of an index of information sources, information associated with information sources, and a combination thereof.

8. The conversational portal of claim 7, wherein the information, which is stored in the portal directory database associated with the information sources, is maintained in a multi-modal format by a service provider of the conversational portal under business agreements between the service provider of the conversational portal and service providers of the information sources.

9. The conversational portal of claim 1, wherein the computing system further comprises a capture module for capturing a connection between the client and the conversational portal and holding the client captive during predetermined time periods.

10. The conversational portal of claim 9, wherein the client is held captive between a time period where a link provided by the conversational browser is selected by the client and one or rendered and served to the client.

11. The conversational portal of claim 10, wherein the client is released when a link is directly requested by the client.

12. The conversational portal of claim 9, wherein the computing system provides one of advertisements, services and a combination thereof to the client, during at least one predetermined time period in which the client is held captive.

13. The conversational portal of claim 12, wherein the at least one predetermined time period is a time period between fetching links between different information sources.

14. The conversational portal of claim 12, wherein the advertisements and services are multi-modal.

15. The conversational portal of claim 12, wherein the advertisements and services are provided on behalf of a third-party under a business agreement between a service provider of the conversational portal and the third-party.

16. (Canceled)

17. The conversational portal of claim 16, wherein the conversational browser obtains desired segments from the multimedia database in response to a client request and presents such segments to the client based on a modality of the client.

18. The conversational portal of claim 16, wherein the conversational browser periodically downloads multimedia data from at least one information source to index and store the multimedia data in the multimedia database.

19. The conversational portal of claim 18, wherein the downloading and indexing of the multimedia data of the at least one information source is performed under a business agreement between a service provider of the conversational portal and a service provider of the at least one information source.

20. (Canceled)

21. The conversational portal of claim 1, wherein the registered subscriber can use the client to conversationally navigate the program and select desired segments for broadcasting.

22. The conversational portal of claim 1, wherein the program comprises radio on demand service which the registered subscriber accesses via a wireless phone client.

23. A system for accessing information, comprising:

an access device;

a content server; and

a conversational portal system comprising:

a conversational browser that provides a conversational user interface to access the conversational portal system, wherein the conversational browser adapts an interaction dialog with the access device according to one or more modalities supported by the access device, and wherein the conversational browser can retrieve one or more pages from the content server in response to a request communicated from the access device and serve or present the retrieved pages to the access device in at least one format that is compatible with the one or more modalities supported by the access device, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities;

an audio indexing system for segmenting and indexing audio and multimedia data obtained from an information source; and

a multimedia database for storing the indexed audio and multimedia data, wherein the conversational portal maintains, for a registered subscriber, a program comprising user-selected multimedia segments in the multimedia database to provide a multimedia broadcast on demand service to the registered subscriber.

24. (Canceled)

25. The system of claim 23, wherein the multi-modal format is a modality-independent format.

26. The system of claim 23, wherein the conversational browser can render a multi-modal content page or multi-modal application into a presentation format that is compatible with the at least one modality of the access device.

27. The system of claim 23, wherein the conversational portal system comprises a portal transcoder for converting a multi-modal content page or multi-modal application into at least one modality-specific representation based on a detected modality of the access device.

28. The system of claim 23, further comprising a proxy transcoder, accessible by the conversational portal system, for converting a modality-specific content into a multi-modal representation.

29. The system of claim 28, wherein the proxy transcoder provides a transcoding service that is offered by a provider of the content or by a third-party under a business agreement with the provider of the content.

30. The system of claim 23, wherein the access device is a multi-modal device that executes a local conversational browser for processing and presenting one of a multi-modal content page and application received from the conversational portal.

31. The system of claim 23, wherein the conversational portal is accessed by calling a predesignated telephone number.

32. The system of claim 23, wherein the conversational portal comprises a portal directory database comprising a directory of content server addresses.

33. The system of claim 32, wherein the portal directory database comprises one of multi-modal content pages, multi-modal applications, and both associated with at least one content provider, which are hosted by the conversational portal.

34. A method for providing access to information over a communications network, comprising the steps of:

establishing communication with a conversational portal using an access device having at least one modality associated therewith;

the conversational portal adapting an interaction dialog with the access device based on the at least one modality of the access device, wherein adapting the interaction dialog includes adapting the interaction dialog to an audio modality and a non-audio modality;

retrieving, by the conversational portal, a content page in response to a user request;

presenting or serving, by the conversational portal, the content page to the user in at least one format that is compatible with the at least one modality of the access device, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities; and

maintaining, by the conversational portal, a program for a registered subscriber, to provide a multimedia broadcast on demand service to the registered subscriber.

35. (Canceled)

36. The method of claim 34, further comprising the steps of:

detecting, by the conversational portal, at least one modality of the access device; and
transcoding the retrieved content page into at least one modality-specific format corresponding to the at least one detected modality.

37. The method of claim 34, further comprising the steps of:

holding the user captive during a period in which the retrieving step is executed; and

presenting one of advertisements, services and a combination thereof to the user during a predetermined time period in which the user is held captive.

38. (Canceled)

Evidence Appendix

There is no evidence submitted pursuant to 37 CFR §§ 1.130, 1.131 or 1.132 or any other evidence entered by the examiner and relied upon by appellant in this Appeal.

Related Proceedings Appendix

None.